IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

CRP.No. 703 of 2007()

AGAINST THE ORDER DATED 07/10/2006 IN IA.73/2006 IN AS.2/2006 of PRINCIPAL SUB COURT,ALAPPUZHA

.....

REVN. PETITIONERS: PETITIONERS/PLAINTIFFS:

----

1. **SARASWATHY BAI, AGED 70 YEARS,**
   W/O. LATE KUMARAN, VETTAKAL,MANGALASSERIL HOUSE,
   USHAVA,PATTANAKKADU, CHERTHALA.

2. **SUTHEESH CHANDRAN, AGED 54 YEARS,**
   S/O.LATE KUMARAN ,VETTAKKAL,
   MANGALASSERIL HOUSE,USHAVA,
   PATTANAKKADU,CHERTHALA.

3. **MOHANACHANDRAN, AGED 52 YEARS,**
   S/O. LATE KUMARAN, VETTAKKAL
   MANGALASSERIL HOUSE, USHAVA,
   PATTANAKKADU, CHERTHALA.

4. **RADHAMONY, AGED 50 YEARS,**
   D/O. LATE KUMARAN,VETTAKKAL,
   MANGALASSERIL HOUSE,USHAVA,
   PATTANAKKADU, CHERTHALA.

5. **MURALEEDHARAN, AGED 48 YEARS,**
   S/O. LATE KUMARAN, VETTAKKAL,
   MANGALASSERIL HOUSE,USHAVA,
   PATTANAKKADU, CHERTHALA.

6. **PREMA CHANDRAN, AGED 43 YEARS,**
   S/O. LATE KUMARAN, VETTAKKAL
   MANGALASSERIL HOUSE, USHAVA,
   PATTANAKKADU, CHERTHALA.

BY ADV. SRI.V.J.JOHN
SRI.JOSEPH A.VADAKKEL
SRI.GEORGE KARITHANAM VARGHESE
SRI.C.I.ABRAHAM
SRI.JOSE KURIAKOSE (VILANGATTIL)

..2/-

RESPONDENTS: RESPONDENTS/RESPONDENTS:
---

1. THANKAPPAN, AGED 55 YEARS,S/O. LATE KRISHNAN, KURIADU PARAMBU, ILLATHU VADAKKETHIL, PAZHAVEEDU, ALAPPUZHA.

2. DAMODHARAN,S/O. LATE KRISHNAN, KURIADU PARAMBU, ILLATHU VADAKKETHIL, PAZHAVEEDU, ALAPPUZHA.

3. THANKAMMA, D/O. LATE KRISHNAN, KURIADU PARAMBU, ILLATHU VADAKKETHIL, PAZHAVEEDU, ALAPPUZHA.

4. SANTHA, D/O. LATE KRISHNAN, D/O. LATE KUMARAN, VETTAKKAL, MANGALASSERIL HOUSE, USHAVA, PATTANAKKADU, CHERTHALA.

5. KRISHNAKUMAR, AGED 55 YEARS, S/O.MANIYAN KURIADU PARAMBU, ILLATHU VADAKKETHIL, PAZHAVEEDU, ALAPPUZHA,

6. MOHANAN, S/O. KAMALAKSHI, KURIADU PARAMBU, ILLATHU VADAKKETHIL, PAZHAVEEDU, ALAPPUZHA.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No. 703 OF 2007 D

Dated this the 10th August, 2007.

O R D E R

This revision petition is preferred against the order of the Subordinate Judge's Court, Alappuzha in dismissing an application for condoning delay of 139 days. The learned counsel, in fairness, had submitted before me that the order was challenged in appeal and that has been dismissed. The party cannot have recourse to two remedies on the same subject matter. He can resort to two remedies but can only prosecute one. Here already he had prosecuted one and had lost it. Therefore, he cannot turn round and attempt to prosecute this application. Further, this C.R.P is only against the order refusing to condone the delay and the appeal has already been disposed of. So, on that ground also the C.R.P is not maintainable. So, I find no merit and hence dismissed.

M.N.KRISHNAN
Judge

jj